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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party has filed a petition to cancel the registration indicated below.

Petitioner information

Name	HOLY COW RESTUARANT INC		
Entity	Corporation	Incorporated or registered in	New York
Address	15 W 29TH ST NEW YORK, NY 10001 UNITED STATES		

Correspondence information	SAMUEL T. KILB JAYARAM PLLC 54 W. 21ST STREET #801 NEW YORK, NY 10010 UNITED STATES Primary email: tmdocketing@jayaramlaw.com No phone number provided
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Registration subject to cancellation

Registration no.	2216797	Registration date	01/12/1999
Register	Principal		
Registrant	Harry Caray, Ltd. 130 E. RANDOLPH ST., STE. 3900 CHICAGO, IL 60601 UNITED STATES		

Goods/services subject to cancellation

Class 042. First Use: Oct 21, 1987 First Use In Commerce: Oct 21, 1987 All goods and services in the class are subject to cancellation, namely: bar and restaurant services
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Grounds for cancellation

Abandonment	Trademark Act Section 14(3)
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Registration subject to cancellation

Registration no.	3141729	Registration date	09/12/2006
Register	Principal		
Registrant	Harry Caray, Ltd. 17TH FLOOR 333 WEST WACKER DRIVE CHICAGO, IL 60606 UNITED STATES		

Goods/services subject to cancellation

Class 043. First Use: Oct 21, 1987 First Use In Commerce: Oct 21, 1987

All goods and services in the class are subject to cancellation, namely: Restaurant and bar services

Grounds for cancellation

Abandonment	Trademark Act Section 14(3)
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Attachments	PETITION TO CANCEL - Holy Cow Restaurant Inc.pdf(89908 bytes)
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

HOLY COW RESTAURANT INC.,
Petitioner

v.

Harry Caray, Ltd.,
Registrant.

Cancellation No.

PETITION TO CANCEL

Holy Cow Restaurant Inc. (“Petitioner”), a corporation organized and existing under the laws of the State of New York, believes that it is and will be damaged by the continued registration of U.S. Trademark Registration Nos. 2216797 and 3141729 (the “Registrations”) for the marks HOLY COW! (the “Registered Marks”) in connection with bar and restaurant services in Classes 42 and 43 respectively (the “Registered Services”), and hereby petitions for cancellation of same pursuant to Section 14(3) of the Lanham Trademark Act of 1946 (“Lanham Act”), 15 U.S.C. § 1064(3). As grounds for cancellation, Petitioner alleges as follows:

1. Petitioner has filed U.S. Trademark Application Serial Nos. 98006584 and 98069272 (the “Applications”) for marks including the terms “HOLY” and “COW”. The Applications are pending.

2. The USPTO has cited the Registrations against each of the Applications, thereby interfering with Petitioner's Applications, and causing harm to Petitioner. Because this harm to Petitioner is within the zone of interests protected by the Lanham Act and is directly caused by the Registrations, Petitioner is entitled to bring this action.

3. Respondent, an Illinois corporation with an address of 17th Floor, 333 West Wacker Drive, Chicago, Illinois 60606, is the current listed owner of the Registrations.

4. Online research failed to reveal any evidence of the Registered Marks being used in relation to the Registered Services.

5. Respondent's website at <https://www.harrycarays.com/> does not identify any use of HOLY COW! for the Registered Services in the United States.

6. On information and belief, Respondent has failed to use the Registrations for the Registered Services in U.S. interstate commerce in connection with the sale of the Registered Services for a period of at least three (3) years, establishing prima facie evidence of abandonment.

7. On information and belief, Respondent does not intend to resume bona fide use in U.S. commerce of the Registered Marks in connection with the Registered Services.

8. Accordingly, the Registrations have been abandoned, within the meaning of 15 U.S.C. § 1127.

WHEREFORE, Petitioner respectfully prays that its cancellation be sustained, and that Respondent's U.S. Registration Nos. 2216797 and 3141729 be cancelled.

JAYARAM PLLC

Dated: June 7, 2024

By: / Vivek Jayaram /
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